

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.616 OF 2017
IN
COMPANY PETITION NO.616 OF 2016**

M/s. Stalian Investment Pvt. Ltd.Applicant/Petitioner

Vs.

Killick Halco LimitedRespondent

Mr. Dharmesh Pandya i/b. Ashwin Pandya and Associates for applicant/
petitioner.

Ms. Sangita R. Gudhka for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 20th NOVEMBER, 2017

P.C.:

1 Heard the counsel for applicant and also considered the application. Though the prayer sought in the application is inappropriately worded, basically the application is for restoring the petition which came to be dismissed pursuant to a self operative order passed on 3rd August, 2017. Petitioner was to deposit an amount of Rs.10,000/- within a period of three weeks from 3rd August, 2017. The three weeks period expired on 24th August, 2017. The application itself has been lodged only on 3rd October, 2017, almost six weeks beyond the three weeks granted. From 3rd October, 2017 till date another six weeks have passed and counsel for applicant is seeking two more weeks to make this payment of small amount of Rs.10,000/- without any reason as to why they did not take out this application earlier for extension. Moreover, the affidavit in support does not

have any explanation as to why this amount has not been paid except to state “the said sum of Rs.10,000/- remained to be sent to my Advocates due to oversight and/or inadvertence”.

2 Though this is not a satisfactory explanation, purely by way of indulgence and in the interest of justice, the application is allowed and accordingly disposed.

3 It is made clear that the amount to be deposited with the Prothonotary and Senior Master will be Rs.25,000/- and this amount to be deposited on or before 23rd November, 2017, failing which the petition will stand dismissed without further reference to this Court.

4 If the amount is paid, then the petition will stand restored and the returnable date will be extended to 12th February, 2018.

(K.R. SHRIRAM, J.)